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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,385	12/27/2000	Joyo Wijaya	WVANP013	6355
34071	7590	11/04/2005	EXAMINER	
IPVENTURE, INC. 5150 EL CAMINO REAL SUITE A-22 LOS ALTOS, CA 94022			THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/750,385

Applicant(s)

WIJAYA ET AL.

Examiner

Marissa Thein

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32,34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Applicants' "Amendment C" filed on August 23, 2005 has been considered with the following effects.

Claims 1, 15, 23, 29 and 34 are amended. Claims 33 is canceled and claim 36 is withdrawn. Claims 1-32 and 34-35 remain pending in this application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-13 and 15-32 rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB No. 2 265 032 A to Hashimoto et al. in view of U.S. Patent No. 6,324,520 to Walker et al.**

Claims 1, 8-9, 12-13, 15, 18-19, 23, 26-28 and 29, Hashimoto discloses a computer-implemented method, program, and system for substitution of at least one ordered item of at least one customer order, comprising: receiving at least one customer order, the order including more than one ordered item, with at least one order item relating to an ordered quantity larger than one of a particular item of inventory (page 1, lines 6-8; page 2, lines 1-7); analyzing a selected portion of the received customer order taking into considered and analyzing being performed prior to the delivery of at least one ordered item (page 3, line 19 – page 4, line 12; page 17, line 12 – page 18, line 10;

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page 18, line 23 – page 19, line 7; page 27, line 17 – page 28, line 8); identifying an ordered item in the received customer relating to an oversold item (page 4, lines 8-16; page 19, lines 12-20); upon identifying an ordered, substituting, based upon at least one predetermined criterion, at least one substitute item for the identified ordered item (page 28, line 23 – page 29, line 15; page 31, lines 16-22; page 33, line 19 – page 35, line 17); wherein the substituting includes, accessing said at least one predefined criterion to determine a first preferred substitution item for the identified item, and determining whether a sufficient quantity of the first preferred substituted for the identified item (page 30, line 10 – page 31, line 16; page 33, line 19 – page 36, line 21); comparing based upon the quantity value associated with each of the identified ordered items (page 24, lines 2- 24; page 28, line 23 – page 29, line 1) ; and comparing based upon a number related to substitution already implemented in a customer order associated with the identified ordered item (page 32, line 4-page 33, line 8; page 40, line16-page 41, line 24).

However, Hashimoto does not expressly disclose another customer order; automatically substituting; without intervention from a human operator; and an automated computer process. Hashimoto does disclose an inventory master file which includes each time data on an order that is input and the number of assignable goods stored in the inventory master is decreased by a number of element goods assigned (page 17, lines19-24). Hashimoto discloses the number of good assigned is stored in correspondence with an Order no. (page 17, line 25 – page 18, line1). Hashimoto discloses a process which is prepared if there is a stock storage when the inventory

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master file is checked during an order inputting processing or an order inputting causes a stock shortage (page 18, line 23-page 19, line 1). Data stored in a process filed includes an Order No., a client code, etc. (page 19, lines 1-5). Moreover, Hashimoto disclose a central processing unit for performing various processing to manage order, inventory and stock assignment (page 7, lines 23-25).

Walker, on the other hand, teaches another customer order (col. 3, lines 8-12; col. 4, lines 25-34; col. 9, lines 9-27) and automatically substituting (col. 2, lines 55-57); without intervention from a human operator (col. 2, lines 55-57); and an automated computer process (col. 2, lines 55-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method, system and program of Hashimoto, to include another customer order, to efficiently increase sales (Walker, col. 1, lines 22-23; col. 2, line 47) and increase profitability (Walker, col. 2, lines 56-57).

Regarding claims 2-7, 10-11, 16-17, 24-25, Hashimoto discloses analyzing includes comparing analyzed order data to inventory data to determine whether at least one item of inventory has been oversold; comparing occurs before fulfillment of the portion of the received customer order; substituting includes selecting, using the at least one predefined criterion, a desired ordered item corresponding to the oversold item; predefined criterion includes instructions for minimizing a number of order substitutions to be performed for each customer order; instructions for selecting for substitution an ordered item over another ordered item based on the corresponding quantity levels of the order item and the another ordered item; substitution occurs at a time of fulfillment

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the portion of the received customer order; a sorted list of substitute products for which the substitute item is chosen; a ratio rule for substituting the substitute item for the identified ordered item (page 3, line 19 – page 4, line 12; page 17, line 12 – page 18, line 10; page 18, line 23 – page 19, line 7; page 27, line 17 – page 28, line 8; page 28, line 23 – page 29, line 15; page 30, line 10 – page 31, line 16; page 31, lines 16-22; page 33, line 19 – page 36, line 21).

Regarding claims 20-22 and 30-32, Hashimoto discloses to determine a second preferred substitution item; partial substitution; and full substitution (page 31, lines 16-23; page 33, line 9 – page 36, line 21).

**Claims 14 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application GB No. 2 265 032 A to Hashimoto et al. in view of U.S. Patent No. 6,324,520 to Walker et al. in view of U.S. Patent No. 5,963,919 to Brinkley et al.**

Hashimoto and Walker substantially disclose the claimed invention, however, it does not disclose the aggregating a selected portion of the received customer orders or the plurality of customer orders. The combination does disclose an inventory master file which includes each time data on an order that is input and the number of assignable goods stored in the inventory master is decreased by a number of element goods assigned (Hashimoto, page 17, lines 19-24). The combination discloses the number of good assigned is stored in correspondence with an Order no. (Hashimoto, page 17, line 25 – page 18, line 1). The combination discloses a process which is prepared if there is a stock storage when the inventory master file is checked during an order inputting

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processing or an order inputting causes a stock shortage (Hashimoto, page 18, line 23- page 19, line 1). Data stored in a process filed includes an Order No., a client code, etc. (Hashimoto, page 19, lines 1-5). Moreover, The combination disclose a central processing unit for performing various processing to mange order, inventory and stock assignment (Hashimoto, page 7, lines 23-25). The combination also discloses automatically determining a substitution (Walker col. 2, lines 55-56)

Brinkley, on the other hand, teaches the aggregating a selected portion of the received customer orders or the plurality of customer orders (see at least col. 4, lines 35-41; col. 4, lines 55-61; col. 5, lines 9-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include the aggregating a selected portion of the received customer orders or the plurality of customer orders, as taught by Brinkley, in order to fulfill customer's orders (Brinkley, col. 1, lines 15-16).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-32 and 34-35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

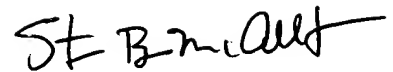
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Mtot  
October 30, 2005

A handwritten signature in black ink, appearing to read "St B. McAllister".

**STEVE B. MCALLISTER**  
**PRIMARY EXAMINER**